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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,517	01/21/2000	John Richard Zavgren JR.	99-445	5940

32127 7590 04/13/2004

VERIZON CORPORATE SERVICES GROUP INC.
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EXAMINER

FERRIS, DERRICK W

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 04/13/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/489,517

Applicant(s)

ZAVGREN, JOHN RICHARD

Examiner

Derrick W. Ferris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Appeal Brief

2. **Claims 1-36** as amended are still in consideration for this application.

3. Examiner **withdraws** the obviousness rejection to *Garg et al.* '346 in view of *Robins et al.*, *Garg et al.* '346 in view of *Robins et al.* and in further view of *Feldmann*, and *Garg et al.* '346 in view of *Robins et al.* and in further view of *Lane* for Office action filed 08/14/03. The examiner has replaced the obviousness rejections with 102 rejections to further clarify the examiner's position with respect to the claimed subject matter.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

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reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. **Claims 1, 2, 6, 10-11, 13-15, 19, 23-24, 26, and 34-36** are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,748,098 to *Grace*.

As to **claim 1**, *Grace* teaches alerting an operator using a visual display of a relationship between historical events (e.g., see Abstract).

With respect to the limitation “collecting information from at least one of the nodes, the information describing the network operation over a period of time” see e.g., column 3, lines 50-56 and column 4, lines 41-53.

With respect to the limitation “reconstructing the network operation for the time period from the collected information” see figure 2.

With respect to the limitation “replaying, for an operator, the network operation as the network operation has occurred during the time period using the reconstructed network operation” see figure 2 in addition to column 1, lines 23-34; column 6, lines 27-34; and column 6, line 60 – column 7, line 4. In particular, figure 2 shows a time period from t-9 to t-0.

As to **claim 2**, with respect to node status change information and link status change information see e.g., column 1, lines 9-62.

As to **claim 6**, see e.g., column 4, lines 41-57.

As to **claims 10-11**, see e.g., column 1, lines 23-34 and column 8, lines 23-35.

As to **claim 13**, see similar rejection for claim 1.

As to **claim 14**, see similar rejection for claim 1. A memory and processor are implicitly taught in figure 6.

As to **claim 15**, see similar rejection for claim 2.

As to **claim 19**, see similar rejection for claim 6.

As to **claims 23-24**, see similar rejection for claim 6.

As to **claim 26**, see similar rejection for claim 1.

As to **claim 34**, see similar rejection for claim 1.

As to **claim 35**, see e.g., column 2, lines 60-65.

As to **claim 36**, see e.g., column 4, lines 41-57.

6. **Claims 1, 2, 6-11, 13-15, 19, 20-24, 26, 27-30, 32 and 34-36** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,687,750 B1 to *Messinger et al.* ("*Messinger*").

As to **claim 1**, *Messinger* teaches allowing an operator to filter selected criteria and then view the network activity using a display (e.g., see Abstract).

With respect to the limitation "collecting information from at least one of the nodes, the information describing the network operation over a period of time" see e.g., column 1, lines 1-67.

With respect to the limitation "reconstructing the network operation for the time period from the collected information" see e.g., column 2, lines 1-18.

With respect to the limitation "replaying, for an operator, the network operation as the network operation has occurred during the time period using the reconstructed network operation" see e.g., column 2, lines 19-36.

As to **claim 2**, with respect to node status change information and link status change information see e.g., column 1, lines 30-55.

As to **claim 6**, see e.g., column 2, lines 1-18.

As to **claim 7**, see e.g., 3, lines 17-53 and figures 4a-4d.

As to **claim 8**, see e.g., column 2, lines 19-36.

As to **claim 9**, see e.g., 3, lines 17-53 and figures 4a-4d.

As to **claims 10-11**, see e.g., column 1, 56-67.

As to **claim 13**, see similar rejection for claim 1.

As to **claim 14**, see similar rejection for claim 1. A memory and processor are implicitly taught in figure 2.

As to **claim 15**, see similar rejection for claim 2.

As to **claim 19**, see similar rejection for claim 6.

As to **claim 20**, see similar rejection for claim 7.

As to **claim 21**, see similar rejection for claim 8.

As to **claim 22**, see similar rejection for claim 9.

As to **claims 23-24**, see similar rejection for claim 6.

As to **claim 26**, see similar rejection for claim 1.

As to **claims 27-30**, see separate information files 204, 206 and 208 in figure 2 with respect to column 3, lines 17-27 and column 1, lines 40-54.

As to **claim 32**, see similar rejection for claims 1 and 7.

As to **claim 34**, see similar rejection for claim 1.

As to **claim 35**, see e.g., column 4, lines 41-57.

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As to **claim 36**, see e.g., column 2, lines 19-36.

7. **Claims 27-30** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,516,348 B1 to *MacFarlane et al.* ("*MacFarlane*").

As to **claims 27-30**, see figure 3 in relation to e.g., figure 1. In particular, see e.g., column 5, lines 21-50.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 3,4-5 and 16,17-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,748,098 to *Grace* in view of U.S. Patent Application 2002/0021675 to *Feldmann*.

As to **claims 3 and 16**, *Grace* discloses storing configuration information in general for a network device such as "base configuration" information. Thus *Grace* may be silent or deficient to specially teaching storing routing/forwarding table information in particular as part of this configuration.

The examiner purposes to modify the combined teachings of *Grace* to clarify that base configuration information should further include routing/forwarding tables as part of configuration information.

Feldmann teaches using routing/forwarding tables at e.g., page 6, paragraph 0063.

Thus examiner notes that it would have been obvious to one skilled in the art prior to applicant invention to include the further limitation obtaining forwarding information from the nodes. In particular, one skilled in the art would be motivated to maintain the routing/forwarding tables as part of the base configuration since the information has network-wide significance. Thus *Feldmann* teaches a motivation found at e.g., page 6, paragraph 0063.

As to **claims 4-5 and 17-18**, see e.g., paragraph 0067 on page 7 of *Feldmann*.

10. **Claims 3,4-5 and 16,17-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,687,750 B1 to *Messinger et al.* ("*Messinger*") in view of U.S. Patent Application 2002/0021675 to *Feldmann*.

As to **claims 3 and 16**, *Messinger* discloses storing configuration information in general for a network device such as "base configuration" information. Thus *Messinger* may be silent or deficient to specially teaching storing routing/forwarding table information in particular as part of this configuration.

The examiner purposes to modify the combined teachings of *Messinger* to clarify that base configuration information should further include routing/forwarding tables as part of configuration information.

Feldmann teaches using routing/forwarding tables at e.g., page 6, paragraph 0063.

Thus examiner notes that it would have been obvious to one skilled in the art prior to applicant invention to include the further limitation obtaining forwarding information from the nodes. In particular, one skilled in the art would be motivated to maintain the routing/forwarding tables as part of the base configuration since the information has

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network-wide significance. Thus *Feldmann* teaches a motivation found at e.g., page 6, paragraph 0063.

As to **claims 4-5 and 17-18**, see e.g., paragraph 0067 on page 7 of *Feldmann*.

11. **Claims 12, 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,748,098 to *Grace* in view of U.S. Patent 5,437,009 to *Lane*.

As to **claims 12 and 25**, *Grace* is silent to the further limitations of allowing the operator to at least one of fast forward and rewind the replaying network operation.

Lane teaches the above-cited limitation at e.g., figure 6 and column 5, lines 1-57.

Thus the examiner purposes to modify the back searching of *Grace* to further include the limitation of fast forwarding and rewinding.

Thus examiner notes that it would have been obvious to one skilled in the art prior to applicant's invention to further include the limitations of allowing the operator to at least one of fast forward and rewind the replaying network operation. In particular, one skilled in the art would have been motivated to make the purposed modification for the purpose of allowing an efficient way of analyzing network events. *Lane* teaches such a motivation found at e.g., column 2, lines 33-36.

12. **Claims 12, 25 and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,687,750 B1 to *Messinger et al.* ("*Messinger*") in view of U.S. Patent 5,437,009 to *Lane*.

As to **claims 12, 25 and 33**, *Messinger* is silent to the further limitations of allowing the operator to at least one of fast forward and rewind the replaying network operation. In particular, see column 2, lines 20-37.

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Lane teaches the above-cited limitation at e.g., figure 6 and column 5, lines 1-57.

Thus the examiner purposes to modify the back searching of *Messinger* to further include the limitation of fast forwarding and rewinding.

Thus examiner notes that it would have been obvious to one skilled in the art prior to applicant's invention to further include the limitations of allowing the operator to at least one of fast forward and rewind the replaying network operation. In particular, one skilled in the art would have been motivated to make the purposed modification for the purpose of allowing an efficient way of analyzing network events. *Lane* teaches such a motivation found at e.g., column 2, lines 33-36.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (703) 305-4225. The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

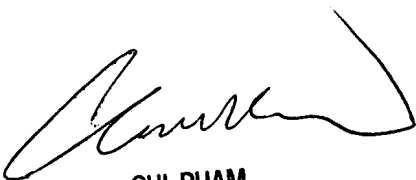
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Derrick W. Ferris
Examiner
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